

**UNION TOWNSHIP – TOWNSHIP COMMITTEE
REGULAR MEETING**

JUNE 7, 2006

MINUTES

Mayor Rossi opened the meeting at 7:00 p.m.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; faxed to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

Roll Call – Present: Patricia Dziubek, Frank Mazza, Matt Mulhall, Rob Haynes and Bruce A. Rossi. Also present: J. Peter Jost, Esq., Township Attorney; Robert C. Bogart, P.E., Township Engineer; and K. Judith Fabian, Township Clerk.

APPROVAL OF MINUTES – 1. Special-Joint Meeting w/Union Township Board of Education May 11, 2006; motion was made by Mr. Mazza, seconded by Mrs. Dziubek, to adopt the May 11th Minutes. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Mulhall and Mr. Rossi. Abstain: Mr. Haynes. Motion carried.

2. Regular Meeting and Executive Session #1 May 17, 2006; motion was made by Mrs. Dziubek, seconded by Mr. Mazza. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

3. Executive Session #2 May 17, 2006; motion was made by Mrs. Dziubek, seconded by Mr. Haynes, to adopt the Minutes. Vote – Ayes: Mrs. Dziubek, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Abstain: Mr. Mazza. Motion carried.

REPORTS RECEIVED –

1. Tax Collector	5/06
2. Municipal Court	4/06
3. Finance Officer	Claims Register & Trial Balance 6/7/06

The following resolution was introduced for adoption:

**RESOLUTION
EXECUTIVE SESSION**

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Union Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12: Personnel

Motion was made by Mr. Haynes, seconded by Mrs. Dziubek, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Motion was made by Mr. Haynes, seconded by Mrs. Dziubek, to return to the regular meeting. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Municipal Court – Katherine Cupon, Court Administrator, present; - Mrs. Cupon mentioned the security door has been ordered; she suggested a door be installed in the hall on the lower level for additional security; she obtained 2 quotes; briefly discussed.

CORRESPONDENCE – Mr. Rossi mentioned the following: - letter from the Historical Society listing suggested future repairs to the Township-owned building. Mr. Jost will review the Lease Agreement. – letter from Thomas R. Baldwin requesting a letter from the Township Committee to the effect the Township Committee has no objection to reinstating the balloon port on the Grand Colonial Restaurant property; the owners of the property are in favor of this activity. Mrs. Hirt, from the public, concurred with Mr. Baldwin that the owners are in favor of the flying of hot air balloons. Mr. Jost suggested a disclaimer and insurance certificate on behalf of the Township. Mrs. Hirt stated this request is necessary for an application to NJ DOT. Motion was made by Mrs. Dziubek, seconded by Mr. Mazza, to approve of this activity subject to receipt of a disclaimer and appropriate insurance certifications subject to Township Attorney review. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Mrs. Dziubek mentioned the following: - Notification from the Hunterdon County Dept. of Health of a Pandemic Influenza Preparedness Briefing for Local Boards of Health, June 19th, she will attend; - correspondence and Proposal regarding deer carcass pickup; cost briefly discussed.

Mr. Mulhall mentioned the following: - correspondence regarding municipal cost for NJSP services; options briefly discussed. It was agreed to send a letter to Gov. Corzine to include a copy of previously adopted Resolution #2006-66 opposing this charge; copy to be sent to legislators; - the DCA grant for COAH will be pursued for the Milligan tract; - letter and map from the Town of Clinton regarding proposed speed tables on Rupell Rd. Mr. Bogart mentioned it is important to have the sign off of emergency services; also, speed tables can be noisy upon acceleration. Mr. Jost suggested a public hearing. Mr. Bogart suggested having the sign off from all emergency services prior to holding a hearing. Mr. Haynes will be in contact with the Town of Clinton.

Mr. Haynes mentioned the following: - letter/materials from the Hunterdon County Engineer's office regarding the structure (bridge) over Spruce Run Reservoir. Mr. Bogart suggested appearing before the County Freeholders to request they take over the bridge. Mr. Rossi will contact the Freeholders and Mr. Jost will obtain copies of State records.

OLD BUSINESS – Playground Mulch- Mr. Haynes obtained quotes for 22 tons of mulch: AMS LLC, \$10,840 and Playsafer Rubber Mulch, \$10,040. After a brief discussion, motion was made by Mr. Mulhall, seconded by Mr. Haynes, to award the quote for 22 tons of playground mulch to Playsafer, Lakewood, NJ, in the amount of \$10,040. Vote – Ayes: Mr. Haynes, Mr. Mulhall and Mr. Rossi. Naye: Mrs. Dziubek and Mr. Mazza. Motion carried.

NEW BUSINESS – 1. The following resolution was introduced for adoption:

**RESOLUTION #2006-76
TO AMEND ADOPTED 2006 BUDGET (CHAPTER 159)
SPECIAL ITEM OF REVENUE AND APPROPRIATION: Roads OE**

WHEREAS, R.S. 40A:4-87 provides that the Director of the Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount,

SECTION 1

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Union hereby requests the Director of the Division of Local Government Services to approve the insertion of item(s) of revenue in the budget of the year 2006 in the sum of \$12,000.00 which item(s) is/are now available as a revenue from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written
Written Consent of the Director of Local Government Services:

Off-Tract Improvement Contribution Payment from Developer for Race Street,
P. S. Construction Inc.

SECTION 2

BE IT FURTHER RESOLVED, that a sum of \$12,000.00 be and the same is hereby appropriated under the caption of: Roads OE FY 2006 \$12,000.00

Off-Tract Improvement Contribution Payment from Developer for Race Street,
P. S. Construction Inc.

After a brief discussion, motion was made by Mr. Mulhall, seconded by Mr. Haynes, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

2. The following resolution was introduced for adoption:

**RESOLUTION #2006-77
2006-2007 PLENARY RETAIL DISTRIBUTION LICENSE – RENEWAL**

BE IT RESOLVED, by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that the following Plenary Retail Distribution License be issued in the Township of Union to be effective on July 1, 2006; and

BE IT FURTHER RESOLVED that the Municipal Clerk or his/her duly authorized agent is hereby authorized to execute, issue and delivery such license to the following licensee:

Name & Trade Name:	Joseph V. Martin, Jr., Inc. t/a Perryville Wine & Spirits
Location & Mailing Address:	72 Rte. 173 West Hampton, New Jersey 08827
License #:	1025-44-008-003

BE IT FURTHER RESOLVED, that a copy of this resolution, certified to be a true copy by the Municipal Clerk, be forwarded to the Division of Alcoholic Beverage Control.

Motion was made by Mrs. Dziubek, seconded by Mr. Mulhall, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

3. The following resolution was introduced for adoption:

RESOLUTION #2006-78
2006-2007 PLENARY RETAIL CONSUMPTION LICENSE(S) – RENEWAL

BE IT RESOLVED, by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that the following Plenary Retail Consumption License(s) be issued in the Township of Union, effective 9:00 a.m., on July 1, 2006; and

BE IT FURTHER RESOLVED, that the Municipal Clerk or her duly authorized agent is hereby authorized to execute issue and deliver such license(s) to the following licensee(s):

NAME & TRADE NAME	LOCATION	LICENSE #
DAWNGLOW INC. t/a Hunterdon Hills Playhouse/Perryville Catering	88 Route 173 West	1025-33-003-003
GRAND COLONIAL LLC t/a Grand Colonial	86 State Hwy. 173	1025-33-002-005
APALO INC. t/a Perryville Inn	167 Perryville Rd.	1025-33-006-006
MYRIEL RESTAURANT LLC t/a Clinton Station Diner / My Diner	2 Bank Street	1025-33-007-009

BE IT FURTHER RESOLVED, that a copy of this resolution, certified to be a true copy by the Municipal Clerk, be forwarded to the Division of Alcoholic Beverage Control.

Motion was made by Mr. Mazza, seconded by Mrs. Dziubek, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

4. Pattensburg Trailer Park 2006 License Renewal Application; - Mr. Jost and Mr. Bogart reviewed the plat. It was agreed the Zoning Officer should make an over all site inspection for unregistered vehicles and parking in particular; application tabled.

ENGINEER'S REPORT – Mr. Bogart mentioned a few items and he had a matter for Executive Session.

ATTORNEY'S REPORT – Mr. Jost had 2 matters for Executive Session; - he mentioned the adoption of the personnel policies; there are still some Sections that deal with vacation/sick leave that need to be integrated with the former policies and an Employee Handbook. Mrs. Dziubek will work with Mr. Jost on these matters.

MAYOR'S REPORT – Mr. Rossi mentioned the following: - Recreation Committee's recommendation for the appointment of Jens Duerr. Mr. Rossi appointed Jens Duerr to fulfill the unexpired term of Dennis Pipes to expire December 31, 2006; - soil erosion ordinance amendment recommendation of the Planning Board to revise the square footage from 3,500 to 5,000; introduction tabled to the next meeting.

COMMITTEE REPORT – Mrs. Dziubek mentioned the meeting held at the Jutland Railroad Crossing; the goal is to update the safety aspects of the crossing. Mrs. Dziubek, Mr. Haynes and Mr. Bogart provided additional information; more information is to follow.

Mr. Haynes mentioned the following: - at the May 3rd meeting Mr. Mazza was authorized to have a safety railing installed at Apt. 26B, Hoffman Park, from the door to the steps for emergency access rather than the railing around the roof that is currently under construction; the work being done was not authorized by the Township Committee. After a brief discussion, Mr. Mulhall suggested Mr. Jost correspond with the renter that everything (furniture/hammock etc.) should be immediately removed from the roof; that the roof is to be used for emergency access only. Mr. Haynes had matters for Executive Session.

Mr. Mazza mentioned pest control at Apt. 26A and the building currently being used by the Historical Society.

COMMENTS FROM THE PUBLIC – None.

CLERK’S REPORT – Request to attend one day Municipal Clerks’ Conference; 6/20/06; Cost \$110.00. Motion was made by Mr. Mulhall, seconded by Mrs. Dziubek, to approve this request. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

PAYMENT OF BILLS – Mr. Haynes moved that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof. Seconded by Mr. Mazza. Vote – Ayes: Mrs. Dziubek, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

The following resolution was introduced for adoption:

**RESOLUTION
EXECUTIVE SESSION**

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Union Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12: Contract Negotiations/Potential Litigation.

Motion was made by Mr. Mulhall, seconded by Mr. Haynes, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Motion was made by Mrs. Dziubek, seconded by Mr. Haynes, to return to the regular meeting. Vote – Ayes: Mrs. Dziubek, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

NOTE: During the Executive Session Mr. Mazza recused himself and left the meeting room for a portion of the Executive Session. He then returned to the regular meeting.

Motion was made by Mr. Mulhall, seconded by Mr. Mazza, to authorize J. P Jost, Esq. to write letters to the Hunterdon County Parks and Recreation and Raymond Drake, Esq., Attorney representing the Hoffman Estate in consultation with Mr. Haynes. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Motion was made by Mr. Haynes, seconded by Mrs. Dziubek, to authorize the Mayor and Clerk to sign an Agreement for the purchase of unimproved real property whereby the Township will agree to sell a 9.067%± interest in Block 22, Lot 20, commonly known as the Milligan Farm to New Jersey Water Supply Authority subject to final Attorney review and any minor changes as approved by Township Committeeman, Matthew Mulhall, for a purchase price of \$800,000. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes and Mr. Rossi. Abstain: Mr. Mulhall. Motion carried.

Mr. Mazza recused himself and left the meeting room.

The following resolution was introduced for adoption:

**RESOLUTION #2006-79
Re: Perryville Estates Subdivision**

WHEREAS, the Township of Union adopted a resolution dated December 7, 2005 as a result of discussions in open meeting with Joseph Caccavelli, wherein Mr. Caccavelli, on behalf of Perryville Estates, L.L.C., agreed that he would undertake certain items according to a time table set forth in said resolution;

WHEREAS, Item #3 of said resolution was that the developer shall complete the installation of all road infrastructure and landscaping in accordance with the approved plans and the requirements of the Township Engineer no later than April 16, 2006; and

WHEREAS, it is now June 7, 2006 and Mr. Caccavelli, Perryville Estates, L.L.C., has failed to complete Item #3 of that resolution; and

WHEREAS, it was further resolved in the resolution of December 7, 2005 that if the developer shall fail to meet any of the above deadlines, the Union Township Committee reserves the right to reinstate the Stop Work Orders, as appropriate;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, that the Union Township Construction Official is hereby requested to reinstate the Stop Work Orders and to suspend any outstanding Building Permits on any uncompleted dwellings in the Perryville Estates development which are not completed as of the date of this resolution; and

BE IT FURTHER RESOLVED this resolution shall take effect immediately and that the Stop Work Orders will stay in effect until such time as Mr. Caccavelli has complied with Resolution #2005-100 dated December 7, 2005.

Motion was made by Mr. Haynes, seconded by Mrs. Dziubek, to adopt the above resolution. Vote – Ayes: Mr. Haynes, Mr. Mulhall and Mr. Rossi. Abstain: Mrs. Dziubek. Motion carried.

Mr. Mazza returned to the regular meeting.

ADJOURNMENT – There being no further business to come before the Township Committee at this time, motion was made by Mr. Mulhall, seconded by Mrs. Dziubek, to adjourn. Vote – Ayes: Mrs. Dziubek, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Meeting adjourned at approximately 9:30 p.m.

Respectfully submitted,

K. Judith Fabian, RMC
Township Clerk